

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF THE ATTORNEY GENERAL**  
[oag.dc.gov](http://oag.dc.gov)



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## **Attorney General Karl A. Racine Pleased Appeals Court Granted Full Stay of Injunction against District's Handgun-Carry Law**

**WASHINGTON, D.C.** — Attorney General Karl A. Racine today said he was pleased that the U.S. Court of Appeals for the District of Columbia Circuit has issued a full stay pending appeal of a lower court's order enjoining the District from enforcing a part of its handgun-carry law against several plaintiffs. The court issued an order today granting the District's motion for a stay of the preliminary injunction pending appeal. It had earlier granted a brief administrative stay of the lower court's decision.

The Office of the Attorney General (OAG) filed a motion June 11 with the court requesting the stay pending the District's appeal of a May 18 preliminary injunction entered by U.S. District Judge Frederick J. Scullin.

**"We are extremely pleased with the D.C. Circuit's decision to allow the District's permitting process for concealed weapons to remain in place pending the appeal on the merits,"** Attorney General Racine said. **"This means that D.C. officials will be able to continue protecting the public and enforcing our gun laws while we pursue that appeal."**

The provision Judge Scullin enjoined the District from enforcing requires an individual applying for a concealed-carry permit to state a "good reason to fear injury to his or her person or property" or another reason for carrying a handgun.

Attorney General Racine said District officials constructed the District's gun-permitting regulations with careful attention to ensure they complied with the current state of the law. **"Our procedure for issuing gun-carry permits is very similar to laws in New Jersey, New York and Maryland that federal appeals courts have upheld,"** he said. **"We believe we have a very strong case."**

"Three federal circuits have considered provisions similar to the District's 'good reason' standard, and all three have upheld the standard, citing the same considerations the District relies on here," the District's motion requesting the stay said. "Especially given the weakness of plaintiffs' showing of a threat of irreparable injury — their theory is that they need *not* show any particularized need to carry handguns — a stay is warranted."

The OAG motion requesting the stay argued that:

- The judge's order enjoined District officials from enforcing the central element of the city's concealed-carrying regime — the requirement that suitable applicants have a "good reason" to carry a deadly weapon in public — as it applies to the plaintiffs. In its Order, the Court misinterpreted and misapplied the relevant case law.
- Neither the Supreme Court nor the D.C. Circuit has determined whether the Second Amendment extends beyond the home, nor has either court determined whether local governments may impose a "good reason" requirement on carrying deadly weapons in public. Only one U.S. circuit appeals court — the 7<sup>th</sup> — has gone so far as to extend the Second Amendment right beyond the home. And of the United States Circuit Courts of Appeal to have addressed the issue directly, all three (the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>) have approved the use of a "good reason" requirement for licenses to carry firearms in public.

Copies of the District's motion to stay Judge Scullin's order and the D.C. Circuit's order issuing the stay are attached.

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